

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS1. Title of case (name of first party on each side only) Caiazza v. Medallion Insurance

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

 I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT. II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.

*Also complete AO 120 or AO 121 for patent, trademark or copyright cases

✓ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891. IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900. V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☒7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).YES ☒ NO ☐A. If yes, in which division do all of the non-governmental parties reside?Eastern Division ☒ Central Division ☐ Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME William D. ChapmanADDRESS MELICK, PORTER & SHEA, LLP, 28 State Street, Boston, MA 02109TELEPHONE NO. 617-523-6200

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

STEPHEN D. CAIAZZO

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Cape Coral, FL
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Dean Carnahan
LAW OFFICES OF DEAN CARNAHAN
126 Broadway
Arlington, MA 02474, 781-641-2825

DEFENDANTS

THE MEDALLION INSURANCE AGENCIES, INC.

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT MASS.
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

ATTORNEYS (IF KNOWN)

William D. Chapman, BBO #551261
MELICK, PORTER & SHEA, LLP
28 State Street
Boston, MA 02109, 617-523-6200

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | |
|---|---|---|--|
| Citizen of This State | PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | PTF <input type="checkbox"/> 4 DEF <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | XX <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

IV. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury — Med. Malpractice <input type="checkbox"/> 365 Personal Injury — Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input checked="" type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS — Third Party 26 USC 7609	

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify) _____
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

28 U.S.C. § 1332

Plaintiff alleges that the defendant failed to report three different insurance claims to the appropriate insurers, causing uninsured loss.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY

JUDGE

DOCKET NUMBER

DATE

12-14-04

SIGNATURE OF ATTORNEY OF RECORD

William D. Chapman

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

FILED
CLERK'S OFFICE
DEC 15 P D 15
U.S. DISTRICT COURT
DISTRICT OF MASS.

* * * * *

STEPHEN D. CAIAZZO,
Plaintiff,

v.

THE MEDALLION INSURANCE
AGENCIES, INC.,
Defendant.

* * * * *

04 12627 RCL

MAGISTRATE JUDGE Cohen
CIVIL ACTION NO.

RECEIPT # 60828
AMOUNT \$ 150
SUMMONS ISSUED yes
LOCAL RULE 4.1 1
WAIVER FORM 1
MCF ISSUED 1
BY DPTY. CLK. FOM
DATE 12/15/04

NOTICE OF REMOVAL OF THE DEFENDANT,
THE MEDALLION INSURANCE AGENCIES, INC.

The Medallion Insurance Agencies, Inc. hereby notices the removal of the above-entitled action from the Superior Court Department of the Trial Court of the Commonwealth of Massachusetts for Middlesex County, to this Court. The grounds for this Notice are as follows.

- (1) Petitioner is the defendant in the above-entitled action.
- (2) On November 24, 2004, the above-entitled action was commenced against the defendant in the Superior Court Department of the Trial Court of the Commonwealth of Massachusetts for Middlesex County, and is now pending therein.
- (3) On or about December 1, 2004, defendant, The Medallion Insurance Agencies, Inc., received service of the Summons and Complaint in the above-entitled

action, a copy of which is attached hereto and marked Exhibit "A".


- (4) No further proceedings have been had herein in the Superior Court for Middlesex County.
- (5) The plaintiff alleges that he is a resident of Cape Coral, Florida.
- (7) Defendant, The Medallion Insurance Agencies, Inc., is a Massachusetts corporation with a principal place of business at 110 Florence Street, Malden, Middlesex County, Massachusetts 02148.
- (8) In the plaintiff's complaint, the plaintiff alleges that the defendant failed to report three different insurance claims to the appropriate insurers, causing uninsured loss (\$35,000 liability claim in 2002, loss of \$234,000 in disability payments in 2001, and \$25,100 in property losses at unidentified time).
- (9) The amount in controversy in the above-entitled action exclusive of interest and costs, but inclusive of the statutory claim for attorneys' fees and multiple damages exceeds Seventy-Five Thousand Dollars (\$75,000.00).
- (10) This Court has original jurisdiction of this action based on diversity of citizenship of the parties, 28 U.S.C. 1332, and the action may be removed to this Court pursuant to 28 U.S.C. 1441(a) and (b).
- (11) This petition is filed with this Court pursuant to 28 U.S.C. § 1446, within 30 days after receipt by petitioner of the summons and complaint in the above-entitled action.

WHEREFORE, petitioner, The Medallion Insurance Agencies, Inc., prays that the above-entitled action be removed from the Superior Court Department of the Trial Court of the Commonwealth of Massachusetts for Middlesex County, to this Court.

Signed under the penalties of perjury this 14th day of December, 2004.

The Medallion Insurance
Agencies, Inc. Inc.,

By its attorney,




William D. Chapman
BBO #551261
MELICK, PORTER & SHEA, LLP
28 State Street
Boston, MA 02109-1775
(617) 523-6200

CERTIFICATE OF SERVICE

I, William D. Chapman, hereby certify that on this day, I forwarded notice of the foregoing document(s) by mailing a copy thereof, postage prepaid to the following:

Dean Carnahan
LAW OFFICES OF DEAN CARNAHAN
126 Broadway
Arlington, MA 02474



William D. Chapman

Date: 12-14-04

TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED:
TORT — MOTOR VEHICLE TORT — CONTRACT
EQUITABLE RELIEF — OTHER

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
DEPARTMENT
OF THE
TRIAL COURT
CIVIL ACTION
No. 04-4690

MIDDLESEX, ss
[seal]

Stephen D. Caiazzo, Plaintiff(s)

The Medallion Insurance
Agency, Inc., Defendant(s)

SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon Dean Cornahan, Esq., Law Officer
of Dean Cornahan, plaintiff's attorney, whose address is 126 Broadway,
Arlington, MA 02474, an answer to the complaint which is herewith
served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you
fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also
required to file your answer to the complaint in the office of the Clerk of this court at East Cambridge
either before service upon plaintiff's attorney or within a
reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may
have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's
claim or you will thereafter be barred from making such claim in any other action.

Witness, Suzanne V. DelVecchio, Esquire, at Cambridge
the 24th day of November

A TRUE COPY ATTEST 2004

DEPUTY SHERIFF
Middlesex County

12/1/04
DATE OF SERVICE

Edward J. Sullivan
Clerk

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all such defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL NO.

STEPHEN D. CAIAZZO,
Plaintiff

v.

COMPLAINT

THE MEDALLION INSURANCE
AGENCIES, INC.,
Defendant

1. The plaintiff, Stephen D. Caiazzo ("Caiazzo"), is a resident of Cape Coral, Florida.
2. The defendant, The Medallion Insurance Agencies, Inc. ("Medallion"), is a Massachusetts corporation, with offices in Malden, Middlesex County, Massachusetts.
3. At all times relevant hereto, Medallion was an insurance agent for Caiazzo for liability, property, workers compensation, disability, broad form peril and other insurance policies with various insurance companies that provided insurance coverage to Caiazzo.
4. At all times relevant hereto, Medallion had a duty to Caiazzo to forward all claims or losses of Caiazzo to the appropriate insurance company.

COUNT I - LIABILITY CLAIM

5. Caiazzo incorporates herein by reference the allegations set forth in Paragraphs 1-4 of this Complaint as if set out in full herein.
6. A personal injury claim was asserted against Caiazzo which was pending in Court in 2002.
7. Caiazzo notified Medallion of the claim, but Medallion negligently failed to report the claim to the appropriate insurance company.
8. As a result thereof, Caiazzo was required to pay \$35,000.00 to the injured party.

COUNT II - DISABILITY POLICY

9. Caiazzo incorporates herein by reference the allegations set forth in Paragraphs 1-4 of this Complaint as if set out in full herein.

10. Caiazzo was injured and became disabled in 2001 and notified Medallion of his injury and of his claim for payment under his disability insurance policy.

11. Medallion negligently failed to report the claim to the applicable insurance company causing Caiazzo to lose the disability insurance payments.

12. As a result thereof, on information and belief, Caiazzo lost about \$234,000.00 in disability insurance payments.

COUNT III - PROPERTY INSURANCE

13. Caiazzo incorporates herein by reference the allegations set forth in Paragraphs 1-4 of this Complaint as if set out in full herein.

14. Caiazzo kept personal property, acquired during his years in business, in his office and at other places inside and outside of premises known as Scuttlebutts in Salem, Massachusetts.

15. Some of Caiazzo's personal property was removed from the premises by others, who sold, transferred, kept or destroyed this personal property.

16. Caiazzo reported this loss to Medallion, but Medallion negligently failed to report the loss to the applicable insurance company.

17. As a result thereof, Caiazzo suffered losses in the amount of \$25,100.00.

WHEREFORE, the plaintiff, Stephen D. Caiazzo, requests this Court to enter judgment in his favor against the defendant, the Medallion Insurance Agencies, Inc., for monetary damages, interest, costs and such additional relief as the Court deems just and reasonable under Count I, Count II and Count III of this Complaint.

By Plaintiff's Attorney,



DEAN CARAHAN
BBO #074580
LAW OFFICES OF DEAN CARAHAN
126 Broadway
Arlington, MA 02474
(781) 641-2825

Dated: November 23, 2004